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Legislative History – Montana Session Law

Chapter: 409 Session L: 2011

Bill Number: SB 298

Checklist of Bill History

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



House

Committee: Local Government

Hearing Date(s): 3/24/2011

Committee Report: 3/29/2011

Senate

Committee: Local Government

Hearing Date(s): 2/18/2011

Committee Report: 2/18/2011

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 9/10/2025

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank you!

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
05/13/11	Chapter Number Assigned				
05/13/11	(S) Signed by Governor				
05/04/11	(S) Transmitted to Governor				
04/28/11	(S) Transmitted to House for Consideration of Governor's Proposed Amendments				
04/28/11	(S) 3rd Reading Governor's Proposed Amendments Adopted		46	3	
04/28/11	(S) Scheduled for 3rd Reading				
04/28/11	(S) 2nd Reading Governor's Proposed Amendments Adopted		49	1	
04/28/11	(S) Scheduled for 2nd Reading				
04/21/11	(S) Returned with Governor's Proposed Amendments				
04/11/11	(S) Transmitted to Governor				
04/08/11	(H) Signed by Speaker				
04/07/11	(S) Signed by President				
04/05/11	(C) Printed - Enrolled Version Available				
04/05/11	(S) Returned from Enrolling				
04/04/11	(S) Sent to Enrolling				
04/04/11	(H) Returned to Senate				
04/04/11	(H) 3rd Reading Concurred		97	2	
04/04/11	(H) Scheduled for 3rd Reading				
04/02/11	(C) Printed - New Version Available				
04/02/11	(C) Sponsors Engrossed				
04/02/11	(H) 2nd Reading Concurred		97	3	
04/02/11	(H) Scheduled for 2nd Reading				
03/30/11	(H) Committee Report--Bill Concurred	(H) Local Government			
03/29/11	(H) Committee Executive Action--Bill Concurred	(H) Local Government	20	0	
03/24/11	(H) Hearing	(H) Local Government			
03/04/11	(H) Referred to Committee	(H) Local Government			
03/04/11	(H) First Reading				
02/23/11	(S) Transmitted to House				
02/23/11	(S) 3rd Reading Passed		49	1	
02/23/11	(S) Scheduled for 3rd Reading				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/22/11	(S) 2nd Reading Passed		47	3	
02/22/11	(S) Scheduled for 2nd Reading				
02/19/11	(S) Committee Report--Bill Passed	(S) Local Government			
02/18/11	(S) Committee Executive Action--Bill Passed	(S) Local Government	8	1	
02/18/11	(S) Hearing	(S) Local Government			
02/10/11	(C) Introduced Bill Text Available Electronically				
02/10/11	(S) Referred to Committee	(S) Local Government			
02/10/11	(S) First Reading				
02/10/11	(S) Introduced				
02/08/11	(C) Draft Delivered to Requester				
02/07/11	(C) Draft Ready for Delivery				
02/05/11	(C) Draft in Assembly/Executive Director Review				
02/05/11	(C) Draft in Final Drafter Review				
02/04/11	(C) Bill Draft Text Available Electronically				
02/04/11	(C) Draft in Input/Proofing				
02/04/11	(C) Draft to Drafter - Edit Review [JLN]				
02/02/11	(C) Draft in Legal Review				
02/01/11	(C) Draft to Requester for Review				
01/07/11	(C) Draft Request Received				



AN ACT PROVIDING THAT A GOVERNING BODY MAY NOT DENY A PROPOSED SUBDIVISION BASED SOLELY ON A CERTAIN WILDLAND-URBAN INTERFACE DESIGNATION; AND AMENDING SECTION 76-3-608, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-608, MCA, is amended to read:

"76-3-608. Criteria for local government review. (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145.

(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

(3) A subdivision proposal must undergo review for the following primary criteria:

(a) except when the governing body has established an exemption pursuant to subsection (6) of this section or except as provided in 76-3-509, 76-3-609(2) or (4), or 76-3-616, the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety;

(b) compliance with:

(i) the survey requirements provided for in part 4 of this chapter;

(ii) the local subdivision regulations provided for in part 5 of this chapter; and

(iii) the local subdivision review procedure provided for in this part;

(c) the provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and

(d) the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

(4) The governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through the review required under subsection (3). The governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the subdivision.

(b) When requiring mitigation under subsection (4), a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

(6) A governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on the information provided pursuant to 76-3-622 only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce.

(7) A governing body may not require as a condition of subdivision approval that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 20 years after the date that the final subdivision plat is filed with the county clerk and recorder."

- END -

I hereby certify that the within bill,
SB 0298, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

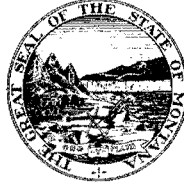
Signed this _____ day
of _____, 2011.

SENATE BILL NO. 298
INTRODUCED BY C. VINCENT

AN ACT PROVIDING THAT A GOVERNING BODY MAY NOT DENY A PROPOSED SUBDIVISION BASED SOLELY ON A CERTAIN WILDLAND-URBAN INTERFACE DESIGNATION; AND AMENDING SECTION 76-3-608, MCA.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 298 (SB 298), **"AN ACT PROVIDING THAT A GOVERNING BODY MAY NOT DENY A PROPOSED SUBDIVISION BASED SOLELY ON A CERTAIN WILDLAND-URBAN INTERFACE DESIGNATION; AND AMENDING SECTION 76-3-608, MCA."**

Senate Bill 298 seeks to prohibit a local governing body from denying subdivision approval on the grounds that the subdivision contains parcels designated as part of the wildland-urban interface. Development within the wildland-urban interface presents serious risks, challenges, and costs to individuals, homeowners, fire protection agencies, and other governmental agencies charged with public and life safety responsibilities in the face of disasters and emergencies caused by wildfires. I am concerned that SB 298, as presented to me, would disregard these concerns.

My proposed amendment narrows the proscription in the bill so that it applies only if the local governing body has adopted best practices for development within the wildland-urban interface. My amendment safeguards the significant public safety and wildfire protection issues present in SB 298 in its current form.

I respectfully ask for your support of the amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Schweitzer", written over a horizontal line.

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 298
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 21, 2011 (4:58pm)

1. Title, page 1, line 4.

Following: "BODY"

Insert: "THAT HAS ADOPTED BEST PRACTICES FOR DEVELOPMENT WITHIN
THE WILDLAND-URBAN INTERFACE"

2. Page 1, line 11.

Following: "(1)"

Insert: "(a)"

3. Page 1.

Following: line 14

Insert: "(b)"

4. Page 1, line 16 through line 17.

Strike: "or" on line 16 through "76-13-145" on line 17

Following: line 17

Insert: "(c) A governing body that has adopted best practices for
development within the wildland-urban interface consistent
with 76-13-104(8)(a) may not deny approval of a proposed
subdivision based solely on parcels within the subdivision
having been designated as wildland-urban interface parcels
under 76-13-145."

- END -

SENATE BILL NO. 298

INTRODUCED BY C. VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A GOVERNING BODY MAY NOT DENY A PROPOSED SUBDIVISION BASED SOLELY ON A CERTAIN WILDLAND-URBAN INTERFACE DESIGNATION; AND AMENDING SECTION 76-3-608, MCA."

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(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

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1 required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

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4 governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

5 (5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under
6 subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is
7 recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and
8 will preclude approval of the subdivision.

9 (b) When requiring mitigation under subsection (4), a governing body shall consult with the subdivider
10 and shall give due weight and consideration to the expressed preference of the subdivider.

11 (6) A governing body may conditionally approve or deny a proposed subdivision as a result of the water
12 and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on
13 the information provided pursuant to 76-3-622 only if the conditional approval or denial is based on existing
14 subdivision, zoning, or other regulations that the governing body has the authority to enforce.

15 (7) A governing body may not require as a condition of subdivision approval that a property owner waive
16 a right to protest the creation of a special improvement district or a rural improvement district for capital
17 improvement projects that does not identify the specific capital improvements for which protest is being waived.
18 A waiver of a right to protest may not be valid for a time period longer than 20 years after the date that the final
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20 - END -

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- END -

I hereby certify that the within bill,
SB 0298, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 298
INTRODUCED BY C. VINCENT

AN ACT PROVIDING THAT A GOVERNING BODY MAY NOT DENY A PROPOSED SUBDIVISION BASED SOLELY ON A CERTAIN WILDLAND-URBAN INTERFACE DESIGNATION; AND AMENDING SECTION 76-3-608, MCA.

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Jon Sonju, on February 18, 2011 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Jon Sonju, Chairman (R)
Sen. Art Wittich, Vice Chairman (R)
Sen. Shannon Augare (D)
Sen. Edward Buttrey (R)
Sen. Lynda Moss (D)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Steven Gallus (D)
Sen. Alan Olson (R)
Sen. Bruce Tutvedt (R)

Members Absent: None

Staff Present:

Leanne Kurtz, Legislative Branch
Kirk Lundby, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 298, SB 340, 2/14/2011; SB 357, 2/16/2011; SB 379,
2/17/2011
Executive Action: SB 119 Tabled
SB 209 Tabled
SB 298 Do Pass
SB 340 Do Pass As Amended
SB 349 Tabled
SB 357 Do Pass
SB 379 Do Pass As Amended

Discussion:

00:00:49 Sen. Moss
00:01:50 Vice Chair Sonju

HEARING ON SB 340

Opening Statement by Sponsor:

00:02:36 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 340, Clarifying the enforcement of laws related to fire hazard reduction.

[EXHIBIT\(los40a01\)](#)

Proponents' Testimony:

00:06:14 Jason Todhunter, representing the Montana Logging Association (MLA)
00:08:33 Patrick Heffneman, representing the Montana Wood Products Association (MWPA)
00:09:27 Sen. Gallus entered the committee room
00:10:25 Mark Baker, representing the Plum Creek Timber Company (PCTC)
00:10:48 Richard Grady, representing himself

[EXHIBIT\(los40a02\)](#)

00:12:57 Dave Skinner, representing Montanans For Multiple Use (MFMU)
00:13:17 Gordon Morris, representing Lewis and Clark County

Opponents' Testimony:

00:13:27 Pat McKelvey

Informational Testimony:

00:14:05 Bob Harrington, Administrator, Forestry Department, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:14:48 Patrick Heffneman, (MWPA)

Closing by Sponsor:

00:17:52 Sen. Vincent

HEARING ON SB 298

Opening Statement by Sponsor:

00:18:28 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 298, Revise land use laws regarding wildland urban interface.

Proponents' Testimony:

00:20:24 Niki Sardot

EXHIBIT(los40a03)

00:22:54 Dustin Stewart, representing the Montana Building Industry Association (MBIA)

00:25:05 Glenn Oppel, representing the Montana Association of Realtors (MAR)

00:26:55 Chelcie Cremar, Montana Farm Bureau Federation (MFBF)

00:26:59 Sen. Olson entered the committee room

00:27:39 Greg Chilcott, Commissioner, Valley County

00:28:00 Dave Skinner, (MFMU)

00:29:42 Richard Grady, representing himself

EXHIBIT(los40a04)

00:30:51 Pat McKelvey, representing Firesafe Montana

00:31:56 Gordon Morris, representing Lewis and Clark County

00:32:17 Everett Stiger, Firesafe Montana

EXHIBIT(los40a05)

00:33:02 Sen. Tutvedt entered the committee room

Opponents' Testimony:

None

Informational Testimony:

00:35:08 Tara DePuy, representing the Montana Association of Counties (MACo)

Questions from Committee Members and Responses:

00:37:07 Vice Chair Wittich

00:38:00 Sen. Vincent

00:40:10 Vice Chair Wittich

00:40:27 Sen. Vincent

00:40:33 Sen. Tutvedt

00:40:55 Sen. Vincent

Closing by Sponsor:

00:41:31 Sen. Vincent

HEARING ON SB 357

Opening Statement by Sponsor:

00:42:33 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 357, Revise laws for appointment and election of a resigning county commissioner.

Proponents' Testimony:

00:44:09 Greg Chilcott, Vice President, (MACo)

00:44:47 Gordon Morris, representing himself

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:45:27 Sen. Vuckovich

00:46:11 Vice Chair Wittich

00:47:14 Sen. Hamlett

00:47:17 Vice Chair Wittich

00:47:23 Sen. Hamlett

Closing by Sponsor:

00:47:57 Sen. Hamlett

HEARING ON SB 379

Opening Statement by Sponsor:

00:49:27 Sen. Alan Olson (R), SD 23, opened the hearing on SB 379, Generally revise county zoning laws.

Proponents' Testimony:

00:53:55 Bill VanCanagan, representing the Montana Association of Realtors (MAR) and the Plum Creek Timber Company (PCTC)

EXHIBIT(los40a06)

EXHIBIT(los40a07)

01:05:45 Steve Wade, representing the Montana Contractors Association (MCA)

01:06:22 Dustin Stewart, (MBIA)

01:07:43 Jerry Sorensen, Director, (PCTC)
01:09:29 Chuck Denowh, representing the United Property Owners of Montana (UPOM)
01:09:53 Mark Baker, representing the Montana Farm Bureau Federation (MFBF)
01:10:28 Jay Bodner, representing the Montana Stockgrowers Association (MSA)

Opponents' Testimony:

01:11:28 Tara DePuy, (MACo)
01:20:33 Gordon Morris, representing Lewis and Clark County

Informational Testimony:

None

Questions from Committee Members and Responses:

01:21:35 Chairman Sonju
01:22:02 Tara DePuy, (MACo)
01:22:07 Chairman Sonju
01:22:24 Tara DePuy
01:22:36 Sen. Vuckovich
01:23:01 Sen. Olson
01:23:26 Sen. Vuckovich
01:23:30 Sen. Olson

Closing by Sponsor:

01:24:03 Sen. Olson
[EXHIBIT\(los40a08\)](#)

Discussion:

01:26:35 Sen. Tutvedt
01:26:39 Chairman Sonju
01:26:54 Sen. Olson

EXECUTIVE ACTION ON SB 379

01:27:21 **Motion:** Sen. Olson moved that **SB 379 DO PASS.**
01:27:25 **Motion:** Sen. Olson moved that **SB 379 BE AMENDED.**
(see exhibit 8)

Discussion:

01:27:32 Leanne Kurtz, Legislative Services Division (LSD)
04:28:02 **Vote:** Motion carried unanimously by voice vote.

01:28:12 **Motion:** Sen. Olson moved that **SB 379 DO PASS AS AMENDED.**

Discussion:

01:28:18 Sen. Moss

01:29:04 Sen. Olson

01:30:13 Sen. Vuckovich

01:30:46 **Vote:** Motion carried 6-3 by roll call vote with Sen. Augare, Sen. Moss and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON SB 357

01:31:40 **Motion/Vote:** Sen. Tutvedt moved that **SB 357 DO PASS.** Motion carried unanimously by voice vote.

01:32:05 Sen. Olson left the committee room

EXECUTIVE ACTION ON SB 340

01:32:24 **Motion:** Sen. Wittich moved that **SB 340 DO PASS.**

01:32:39 **Motion:** Sen. Wittich moved that **SB 340 BE AMENDED.**
(see exhibit 1)

Discussion:

01:32:51 Leanne Kurtz

01:33:08 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:33:13 **Motion/Vote:** Sen. Wittich moved that **SB 340 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON SB 298

01:33:46 **Motion/Vote:** Sen. Wittich moved that **SB 298 DO PASS.** Motion carried 8-1 by voice vote with Sen. Gallus voting no. Sen. Olson voted by proxy.

EXECUTIVE ACTION ON SB 349

01:35:26 **Motion:** Sen. Augare moved that **SB 349 DO PASS.**

01:36:03 **Substitute Motion/Vote:** Sen. Augare made a substitute motion that **SB 349 BE TABLED**. Substitute Motion carried 8-1 by voice vote with Sen. Gallus voting no. Sen. Olson voted by proxy.

Discussion:

01:37:16 Sen. Augare
01:37:17 Chairman Sonju
01:37:38 Sen. Gallus
01:39:10 Chairman Sonju
01:39:22 Leanne Kurtz, (LSD)
01:39:51 Chairman Sonju
01:40:25 Sen. Tutvedt
01:40:53 Sen. Moss
01:41:02 Sen. Gallus
01:41:23 Chairman Sonju
01:41:27 Vice Chair Wittich
01:42:29 Sen. Tutvedt
01:42:37 Leanne Kurtz, (LSD)
01:42:58 Sen. Augare
01:43:31 Chairman Sonju

EXECUTIVE ACTION ON SB 119

01:44:41 **Motion:** Sen. Gallus moved that **SB 119 DO PASS**.

01:44:44 **Substitute Motion/Vote:** Sen. Gallus made a substitute motion that **SB 119 BE TABLED**. Substitute Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON SB 209

01:44:48 **Motion:** Sen. Tutvedt moved that **SB 209 DO PASS**.

01:44:52 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **SB 209 BE TABLED**. Substitute Motion carried unanimously by voice vote of those present and voting.

ADJOURNMENT

Adjournment:
01:45:11

Kirk Lundby, Secretary

kl

Additional Documents:

EXHIBIT([los40aad.pdf](#))

Niki Coffin Sardot
P.O. Box 1074
Florence, Montana 59833

SB 298
RM 405
3 p.m.

"Revise Wildland Urban Interface"

Restore property rights by voting YES on SB 298

TESTIMONY

History:

- DEQ initiated Wildland Urban Interface by getting SB131 and SB51 passed. SB131 dealt with subdivision and SB 51 had all of the Fire Chiefs in each County map their County. The Fire Chiefs thought the map was to be used for landowners to obtain grants to clear brush.

Although 1 million \$ was paid out in grants what is the loss in actual value of land now being called a HIGH FIRE HAZZARD?

- The Wildland Urban Interface is being used within growth policies in counties as one of the tools to shut down an industry of subdivision, construction and **jobs**. Developers, Realtors, Construction workers, Office Workers, Sub-contractors, Banks and their employees.
- **The only reasons for voting "NO" on SB298 are because:**
 - * You don't stand for Montana's' Constitution which says that property rights are the basis for Montanas' economy!
 - * You don't care if the Counties continue to be sued because of the 5th and 14th Amendments –wasting taxpayers money.
 - * You feel no responsibility in protecting generations of families toil over the years.
 - * You believe in socialism. It didn't work where my husband is from. It didn't work in Russia. I've seen it.

EXAMPLE: If you (personally) bought and paid 200K for 100 acres yesterday and then the WUI came in today, and designated your investment as HIGH FIRE HAZZARD, WOULD IT BE WORTH THE SAME 200k ? NO

You couldn't re-sell it, you couldn't do anything with it. You'd be forced to give away as open-space or conservation easement but you'd still be paying on that mortgage. This is the underlying thread.

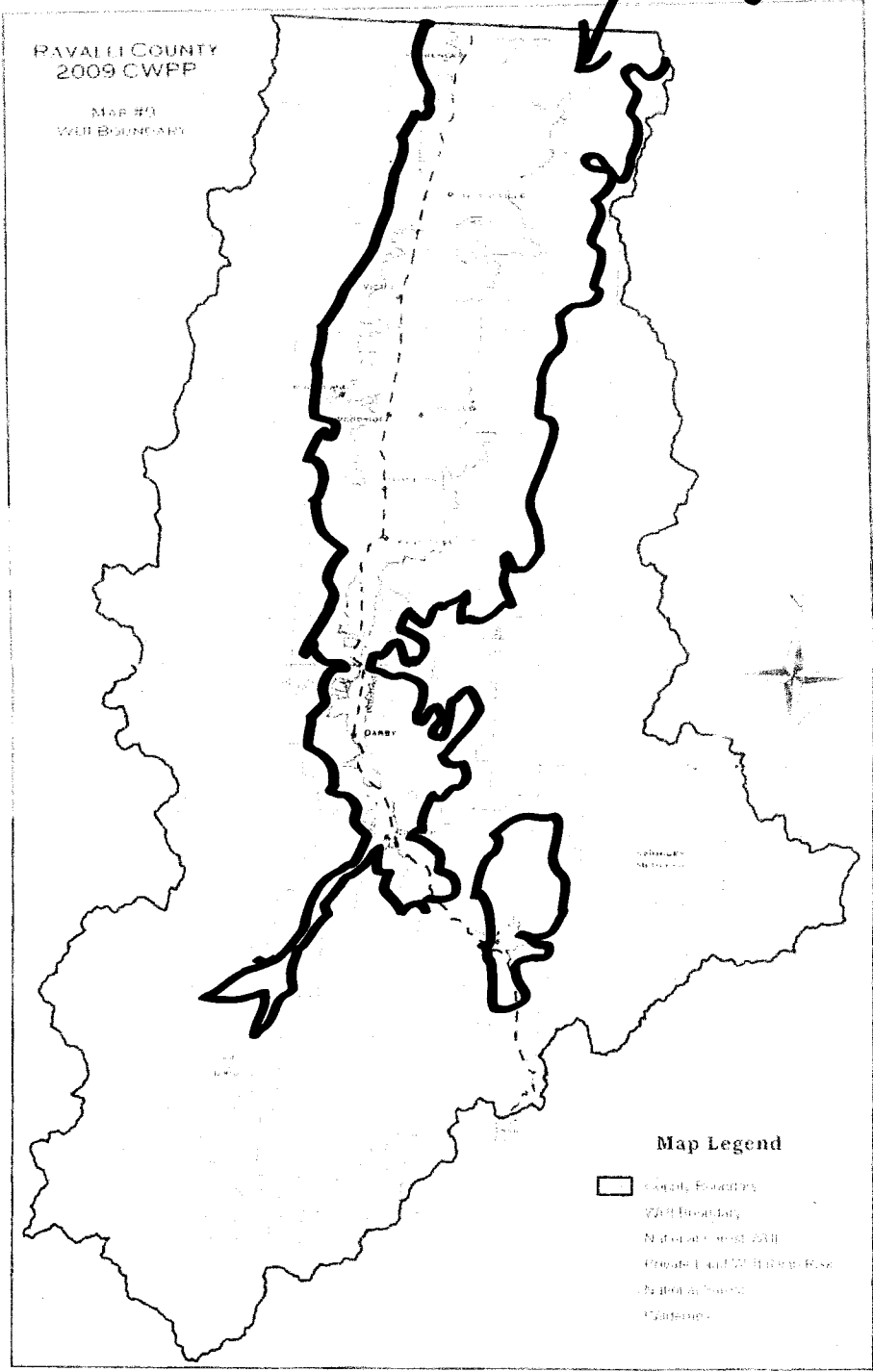
Question: Why does Missoula, Helena and Bozeman pay dues to ICLEI- a direct arm of United Nations and new world order? (They've been members since 2007)

- The Land-Use Regulations takings must compensate landowners.
THAT WOULD BE ...PAY EVERY LANDOWNER IN THE STATE!
- **Loss in value due to the WUI needs to be restored back to all landowners in Montana with a yes vote on SB 298.**

Thank you,

Niki Coffin Sardot

63% of
all PRIVATE
LAND



Senator Jon Sonju, Chairman of the Senate Local Government, and members of the committee, my name is Richard E. Grady, of Canyon Creek, MT. My family has a ranching operation that is involved with the requirements of a burning permit program in Lewis and Clark County, worked with the hazard reduction agreement to burn slash on the ranch with the Montana Department of Natural Resources and Conservation (DNRC), work to comply with the Air Quality regulations with DEQ and has a conservation easement with Montana Fish, Wildlife and Parks.

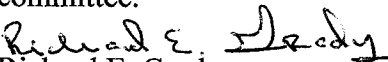
I also serve as a trustee/secretary for the Canyon Creek Rural Fire District and a member of the Citizens Advisory Committee regarding the open space committee in Lewis and Clark County.

I am in support of Senate Bill No.298, but have one question that I would like to bring too the committee that pertains to the Lewis and Clark County Open Lands Program that members of the Citizens Advisory Committee address regarding the application process that could or could not be affected by this bill.

I attached a copy of a draft frequently asked questions on the program and a copy of a recent application that I am involved with that ask the question is the property located within the urban/wildland interface.

Just want to make sure if this bill was to become law, how it could affect open lands programs within the counties of Montana.

Thank-you for the opportunity too provide written comments and testify before the committee.


Richard E. Grady

PO Box 547

Canyon Creek, MT

406-368-2308

gradybunch@lincotel.net

From Sponsor - PPLT

1. Does the property contain "prime, unique, statewide or locally important" agricultural soils, as defined by NRCS? **Yes (see attached map for location).**
2. Is the property contiguous with other working lands? **Yes, it borders a portion of the RV Ranch along the southern boundary (see attached maps).**
3. Is this property currently a working farm or ranch? **No**
4. Are there agricultural water rights associated with the property? **No water rights on Seven Mile Creek; but there are groundwater rights.**
5. Is there an existing farm or ranch management plan in place? **Not formally, although the landowners currently use Best Management Practices for livestock grazing and weed control.**

Conserve Working Forests

1. Is the property located within the urban/wildland interface? **No**
2. Is the location deemed to be an area of high risk for wildfire? **No**
3. Is there a current forest management plan? **No. The property does not contain significant forest resources.**
4. Is the property, or a portion of it, classified as forest land/commercial timber for tax purposes? **No**
5. Is the forest being actively managed for current or future timber harvest? **No**

Protect Habitat for Fish and Wildlife

1. Does the property contain significant wildlife habitat as identified by MFWP? **Yes. Eric Roberts, the Helena area fish biologist, noted that "FWP has documented brook trout and rainbow trout in Sevenmile Creek and genetically pure populations of westslope cutthroat trout still exist in the headwater reaches of the watershed. Elk, moose, deer and antelope are found throughout the area and likely use the riparian corridor for cover and migration routes to and from critical habitats. I'm sure countless songbirds and waterfowl also use the extensive wetland areas created through the well-established beaver pond complex on the creek." (A copy of the original letter is included in this application)**
2. Is there a diversity of habitat for wildlife or fish on the property? **Yes**
3. Has the property been identified as an area critical to the lifecycle of some wildlife species? (Summer or winter range, migration corridors, spawning habitat, etc.) **Yes. It is part of a migration corridor between the Continental Divide and the Scratchgravel Hills, Boulder Mountains, Elkhorn Mountains and other critical habitats. (see attached map)**

[Commission \(BOCC\)](#)
[» Boards](#)
[»» Open Lands Program ««](#)
[Online Documents](#)
[Process Flow Charts](#)
[Meeting Calendar](#)
[Conservation Easements](#)
[FAQs](#)
[Committee Members](#)
[Resolution 2008-97 and](#)
[Ballot](#)

Open Lands Program

Open Lands Program

In November 2008, voters in Lewis and Clark County, Montana, (the County) approved the Land, Water and Wildlife bond measure, a \$10 million general obligation bond measure for "...protecting drinking water sources and ground water quality; protecting water quality in and along rivers and streams; conserving working farm, ranch and forest lands; protecting wildlife areas; preserving open lands and natural areas; providing for recreation; and managing growth and development." Funds generated by sales of these bonds will be distributed through the Open Lands Program. The primary purpose of the Program is to conserve resources on private lands in Lewis and Clark County that fulfill the objectives of the bond measure.

The Board of County Commissioners (BOCC) appointed the Citizens Advisory Committee on Open Lands (CAC) to make recommendations on project applications. The CAC is advisory only and the BOCC makes the decision to utilize the bond funds on a particular project.

[Bylaws \(PDF\)](#)

Contact Information:

Rebecca Shaw
Lewis and Clark Open Lands
316 N. Park Avenue, Room 240
Helena, MT 59623
447-8342
[rshaw\(at\)co.lewis-clark.mt.us](mailto:rshaw(at)co.lewis-clark.mt.us)



2

HOME

GOVERNMENT

DOING BUSINESS

COMMUNITY

HAPPENINGS

Commission (BOCC)

» Boards

» » Open Lands Program

» » Committee Members ««

Open Lands Committee Members

Eliza Frazer - Chair
John Tietz - Vice Chair
Jerry Wells - Secretary
John Wilson
Jerry Burns
Paul Sihler
Michael Downey
Eric Grove
Rick Grady
Mike Bay
Winston Greely
Wilbur Rehmann
Dave Cole

Staff:

Misty Edwards
Rebecca Shaw
Katie Jerstad

Contact Information:

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Helena, MT 59623
447-8342
[rshaw\(at\)co.lewis-clark.mt.us](mailto:rshaw(at)co.lewis-clark.mt.us)

Members serve at the will of the County Commission. Initially, there shall be 4 one-year terms, 4 two-year terms, and 5 three-year terms. Upon expiration of an initial term, terms shall be three years. Members may serve successive terms. A member may request reappointment by the County Commission. In the event a member resigns or is removed before the end of his term, the County Commission may appoint a new member to serve the remaining unexpired term.
(from the By-Laws, adopted August 2009.)



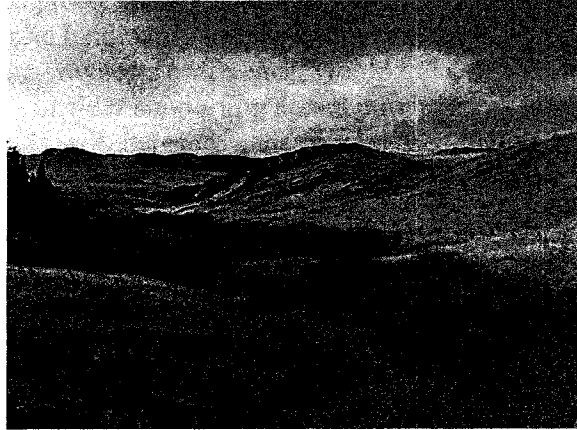
3

Lewis and Clark County Open Lands Program

Frequently Asked Questions

Q: What was the impetus for creating an Open Lands Program in Lewis and Clark County?

A: For over 25 years there has been citizen concern about the loss of open lands and the traditions and resources associated with them: ranching, farming, forestry, hunting and fishing, water quality, productive soils, and scenic qualities.



Q: How did this concern get translated into the program that is starting now?

A: The Heritage Lands Working Group was formed in fall of 2007 by the Board of County Commissioners (BOCC) to study all techniques for encouraging conservation of open land and supporting families in the business of farming, ranching, forestry and recreation. One recommendation was the creation of a local funding source that could help pay for purchases of development rights from willing sellers, providing landowners with an additional financial incentive for conservation. This recommendation was the first step toward the successful November 4, 2008, **Land, Water and Wildlife Bond Measure**. The **Open Lands Program** will implement the purposes of the bond measure.

Q: Remind me about the 2008 bond measure purposes.

A: On November 4, 2008 voters in Lewis and Clark County approved a \$10 million general obligation bond measure for "...protecting drinking water sources and ground water quality; protecting water quality in and along rivers and streams; conserving working farm, ranch and forest lands; protecting wildlife areas; preserving open lands and natural areas; providing for recreation; and managing growth and development."

Q: Has anything happened since the bond measure was approved?

A: Yes! The BOCC appointed 13 county residents to the Citizens Advisory Committee on Open Lands (CAC) to advise the BOCC on how to implement the bond measure and to provide recommendations on the best projects to support with the funds. The CAC has been working together with county staff since May 2009, studying successful programs around the country, building relationships with potential project partners, investigating sources of matching monies and developing draft policies and procedures for consideration by BOCC. After the BOCC approves these policies and procedures, the County will begin accepting applications.

Q: How will the county make sure that conserved lands will be properly maintained?

A: The conservation easement includes restrictions to protect the conservation values of the property in perpetuity. The terms of those restrictions will provide safeguards to ensure that the land will always be preserved in accordance with the goals of the landowner and the county Open Lands Program. Easement terms or restrictions are voluntarily entered into by the landowner, and are monitored by a qualified organization or agency.



Q: Where can I get more information?

A: For more information, check out the CAC's website:

Open Lands Program: Lewis and Clark County
or contact the Open Lands Program Coordinator,
Rebecca Shaw, (406) 447- 8342
openspace@co.lewis-clark.mt.us.

The Open Lands Program is headquartered in the
Community Development & Planning Department in the City-County Building, 316 N.
Park Avenue, Helena, Montana 59623

6

GUIDELINES FOR DEVELOPMENT WITHIN THE WILDLAND-URBAN INTERFACE

September 24, 2009

Submitted 2/18/2011
Everett M. "Sonny" Stiger

Board of Directors
Fire Safe Montana

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GUIDELINES FOR DEVELOPMENT WITHIN THE WILDLAND-URBAN INTERFACE

INTRODUCTION

A. PREFACE

Montana Code Annotated section 76-13-104(8) requires that the Montana Department of Natural Resources and Conservation (DNRC) adopt administrative rules that address development within the wildland-urban interface (WUI). This includes, but is not limited to, best practices for development within the WUI and criteria for providing grant and loan assistance to local government entities to encourage them to adopt those practices. **The "best practices" required by statute are referred to in this document as "Guidelines", to be adopted by reference pursuant to the Montana Administrative Procedure Act and will partially fulfill DNRC's rulemaking mandate.**

1. Wildfire Protection

In Montana, summer typically brings the fire season; the result of low rainfall, high temperatures, low humidity, and summer thunderstorms. Nevertheless, major wildfires may occur at any time of the year. Varied topography, a semi-arid climate, and numerous human related sources of ignition make this possible. **But Montanans can readily protect lives, property, natural resources, and scenic beauty and greatly facilitate the work of fire suppression organizations by following these Guidelines.** This facilitation is especially important in the WUI, where wildfires threaten homes and other buildings.

2. Wildland-Urban Interface Categories

Since the mid-1960s, people have subdivided and developed wildlands for residential, recreational, and commercial uses. This development has created many communities mixed with wildland vegetation. Fire Protection Specialists call these areas the wildland-urban interface or WUI.

A WUI fire situation exists anywhere that structures are located close to natural vegetation. A fire can spread from the vegetation to structures or vice-versa. A WUI can vary from a large housing development adjacent to natural vegetation to a structure(s) surrounded by natural vegetation. The two general categories of WUI are:

- a. **boundary WUI** means an area where a clearly defined, linear boundary of homes meets wildland vegetation. Typically, this sort of interface is on the fringe of large towns; and
- b. **intermix WUI** means an area where structures are scattered among or mixed with wildland vegetation, without a clearly defined boundary.

Typically, the intermix WUI is in rural areas where people have subdivided wildlands into small parcels of 1 to 40 acres.

3. **Purpose of Development Guidelines**

These Guidelines may be used by local government entities, fire protection agencies, planners, developers, and homeowners to improve protection of life, property, and resources from wildland fire. However, because Montana is so large and diverse in terrain, vegetation, and weather, the Guidelines must be applied with flexibility and in consultation with local fire experts. The ultimate goal is the protection of life, property, and resources, and there are several alternatives to achieving that end.

Local governmental entities must examine their individual situations and challenges. This examination may lead to deviations from these Guidelines.

In order for an Authority Having Jurisdiction (AHJ) to institute these Guidelines as a regulatory document, changes must be made to the language. The word "should" must be changed to "shall", "discourage" must be changed to "prohibit" and recommend to "require".

These are minimum guidelines, and counties and AHJ may apply more stringent standards where appropriate. Rules for construction techniques are being addressed by the Montana Department of Labor and Industry (DLI).

Developments in science and technology, along with the adoption of new rules by the state of Montana and its counties governing construction and fuels mitigation in the WUI will present new ideas and direction for homeowners and other residents of the WUI.

B. COMMON WILDLAND-URBAN INTERFACE PROBLEMS

Fire protection agencies, local government entities, developers, planners, and landowners must work together to improve fire protection in the WUI. Some common problems are listed below.

1. Responsibilities and jurisdictions of different fire protection agencies are sometimes unclear.
 - a. Enhancing development standards to achieve better fire protection in the WUI must occur in conjunction with efforts to reduce fuel loads on state and national land that abuts private property.
2. The responsibilities of the developer, planner, and landowner are not well defined. Few people who live, plan, and develop in the WUI recognize the wildfire hazards. Consequently, they seldom invest in appropriate fire prevention and protection measures.

3. Frequently, no fire protection agency takes the responsibility for adopting or enforcing local and state fire regulations.
4. Firefighters often find inadequate roads, insufficient water, and a buildup of natural fuels.
5. Some WUI areas have no organized fire protection agency.

Wildfire disasters in WUI areas are common in many parts of the nation, and the problem is increasing. This problem can be corrected only through comprehensive planning that includes housing development design, fuels management, and public education. A fire-protection agency by itself will not suffice.

These Guidelines describe how to reduce risk by reducing and managing the buildup of fuels, building and maintaining adequate road systems, and providing adequate water to firefighters. These steps, along with the use of fire-resistant materials and designs for homes and outbuildings can work in conjunction to protect lives, property, and natural resources across the state of Montana.

C. DEVELOPMENT OF THESE GUIDELINES

The development of these Guidelines began in the winter of 2007/2008 by many groups, organizations, government agencies, and individuals as concerns grew about protection of lives, property, and natural resources from unwanted wildfire across Montana.

Between the severity of the annual fire seasons and the continued development of the WUI, fire suppression costs escalated, giving even more reason to encourage homeowners, developers, and others to take on some of the responsibility of protecting homes and developments from wildfire (see Appendix A).

In 2007, the Montana State Legislature saw the need for these Guidelines and mandated DNRC to work toward their development and their adoption as administrative rules. The legislation included the following statutes:

Mont. Code Annotated section 76-13-115. State fire policy. The legislature finds and declares that:

- (1) the safety of the public and of firefighters is paramount in all wildfire suppression activities;
- (2) it is a priority to minimize property and resource loss resulting from wildfire and to minimize expense to Montana taxpayers, which is generally accomplished through an aggressive and rapid initial attack effort;
- (3) interagency cooperation and coordination among local, state, and federal agencies are intended and encouraged, including cooperation when restricting activity or closing areas to access becomes necessary;
- (4) fire prevention, hazard reduction, and loss mitigation are fundamental components of this policy;

- (5) all property in Montana has wildfire protection from a recognized fire protection entity;
- (6) all private property owners and federal and state public land management agencies have a responsibility to manage resources, mitigate fire hazards, and otherwise prevent fires on their property;
- (7) sound forest management activities to reduce fire risk, such as thinning, prescribed burning, and insect and disease treatments, improve the overall diversity and vigor of forested landscapes and improve the condition of related water, wildlife, recreation, and aesthetic resources; and
- (8) development of fire protection Guidelines for the wildland-urban interface is critical to improving public safety and for reducing risk and loss.

Mont. Code Annotated section 76-13-104. Functions of department -- rulemaking.

- (1) The department has the duty to ensure the protection of land under state and private ownership and to suppress wildfires on land under state and private ownership. No fees may be collected for this purpose except fees provided for in Mont. Code Annotated section 76-13-201.
- (2) (a) The department shall adopt rules to protect the natural resources of the state, especially the natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may employ personnel and incur other expenses when necessary.
(b) The department may adopt and enforce reasonable rules for the purpose of enforcing and accomplishing the provisions and purposes of part 2 and this part.
- (3) The duty imposed on the department under this section is not exclusive to the department and does not absolve private property owners or local governmental fire agencies organized under Title 7, chapter 33, from any fire protection or suppression responsibilities.
- (4) The department may give technical and practical advice concerning forest, range, water, and soil conservation and the establishment and maintenance of woodlots, windbreaks, shelterbelts, and fire protection.
- (5) The department shall cooperate with all public and other agencies in the development, protection, and conservation of the forest, range, and water resources in this state.
- (6) The department shall establish and maintain wildland fire control training programs.
- (7) The department shall appoint firewardens in the number and localities that it considers necessary, subject to confirmation by the local county government, and shall adopt rules prescribing the qualifications and duties of firewardens that are in addition to those provided in Mont. Code Annotated section 76-13-116.
- (8) By October 1, 2008, the department shall adopt rules addressing development within the wildland-urban interface, including but not limited to:
 - (a) best practices for development within the wildland-urban interface; and

(b) criteria for providing grant and loan assistance to local government entities to encourage adoption of best practices for development within the wildland-urban interface.

With that mandate, the following groups, organizations and government agencies collaboratively assisted DNRC in the fulfillment of its mandate to develop these Guidelines.

Montana League of Cities and Towns
Montana Farm Bureau
Montana Association of Counties
United Department of Agriculture State Forest Service
United States Department of Interior Bureau of Land Management
Montana Department of Labor and Industry
Montana Wood Products Association
Montana Association of Realtors
Independent Insurance Agents of Montana
Montana Department of Commerce
Montana Fire Chiefs Association
Montana State Fire Marshal
Montana Disaster and Emergency Services
Montana Department of Health and Human Services
FireSafe Montana
Lewis and Clark County
NorthWestern Energy
Montana Smart Growth Coalition
Montana Bankers Association
Flathead Electric Cooperative
Fire Logistics Incorporated
Montana Association of Planners
Plum Creek
Missoula County
Montana Forest Landowners Association
Montana Department of Fish, Wildlife and Parks

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Friday, February 18, 2011

Place: Capitol

Time: 3:00 PM

Room: 405

BILLS and RESOLUTIONS HEARD:

SB 298 - Revise land use laws regarding wildland urban interface

SB 340 - Clarifying the enforcement of laws related to fire hazard reduction

SB 357 - Revise laws for appointment and election of a resigning county commissioner

SB 379 - Generally revise county zoning laws

EXECUTIVE ACTION TAKEN:

SB 119 - Tabled

SB 209 - Tabled

SB 298 - Do Pass

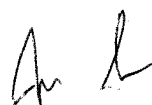
SB 340 - Do Pass As Amended

SB 349 - Tabled

SB 357 - Do Pass

SB 379 - Do Pass As Amended

Comments:



SEN. Jon Sonju, Chair

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT
COMMITTEE

DATE: 2-18, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Sonju	X	
Vice Chair Wittich	X	
Senator Augare	X	
Senator Buttrey	X	
Senator Gallus		X
Senator Moss	X	
Senator Olson		X
Senator Tutvedt		X
Senator Vuckovich	X	

9 Committee Members

BILL TABLED NOTICE

SENATE LOCAL GOVERNMENT COMMITTEE

The **SENATE LOCAL GOVERNMENT COMMITTEE** TABLED

SB 119 - Allow rifles for spring turkey season

SB 209 - Revise subdivision and platting act

SB 349 - Repeal English as official and primary language of government, by motion, on Friday, February 18, 2011.

(For the Committee)

Dean Anderson
(For the Secretary of the Senate)

7:20 / 2-19-11
(Time) (Date)

February 18, 2011

Kirk Lundby, Secretary

Phone: 4315



SENATE STANDING COMMITTEE REPORT

February 18, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 379** (first reading copy -- white) **do pass as amended**.

Signed: _____

A handwritten signature in black ink, appearing to be "Jon Sonju", is written over a horizontal line.

Senator Jon Sonju, Chair

And, that such amendments read:

1. Title, line 10 through line 11.

Strike: "SUPERSEDING" on line 10 through "LAWS;" on line 11

2. Page 9, line 17 through line 18.

Strike: section 13 in its entirety

Renumber: subsequent section

- END -

Committee Vote:

Yes 6, No 3

Fiscal Note Required ☐

SB0379001SC.sdr

Handwritten initials in the bottom right corner, possibly "DR".



SENATE STANDING COMMITTEE REPORT

February 18, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 357** (first reading copy -- white) **do pass**.

Signed: _____

A handwritten signature in black ink, appearing to read "Jon Sonju", is written over the signature line.

Senator Jon Sonju, Chair

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

SB0357001SC.sdr

OR



SENATE STANDING COMMITTEE REPORT

February 18, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 340** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in black ink, appearing to be "Jon Sonju".

Senator Jon Sonju, Chair

And, that such amendments read:

1. Page 1, line 13.

Strike: "fire"

Insert: "controlled burning"

2. Page 1, line 19 through line 22.

Following: "that agreement" on line 19

Strike: "and" on line 19 through "section" on line 22

Insert: ", open burning may be conducted between October 1 and May 1 without obtaining a written permit or permission to set a fire. The person, entity, or representative of a person or entity shall:

(i) obtain air quality and ventilation forecasts before igniting or setting the fire; and

(ii) notify the county of the location of the burn area"

- END -

Committee Vote:

Yes 8, No 0

Fiscal Note Required ☐

SB0340001SC.sdr

DR



SENATE STANDING COMMITTEE REPORT

February 18, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 298** (first reading copy -- white) **do pass**.

Signed: _____

A handwritten signature in black ink, appearing to read "Jon Sonju", is written over a horizontal line.

Senator Jon Sonju, Chair

- END -

Committee Vote:

Yes 8, No 1

Fiscal Note Required ☐

SB0298001SC.sdr

Handwritten initials, possibly "DR", in the bottom right corner of the page.

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-18-11 BILL NO. SB 379 AMEND. NO. _____ MOTION NO. _____
MOTION: Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare		X	
Senator Buttrey	X		
Senator Gallus	X		
Senator Moss		X	
Senator Olsen	X		
Senator Tutvedt	X		
Senator Vuckovich		X	
Vice Chair Wittich	X		
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 6 NO: 3

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Alan Olson, request to be excused from the

Local Government COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

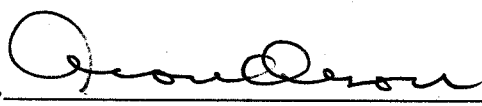
Vice Chair Art Wittich



Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 349 Title	X	
SB 298 POSS	X	

BILL/AMENDMENT	AYE	NO

Sen. 
(Signature)

Date 2/10/11

SENATE LOCAL GOVERNMENT COMMITTEE

Sponsor: Senator Alan Olson

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

SENATE LOCAL GOVERNMENT COMMITTEE

Friday, February 18, 2011

SB 340 - Clarifying the enforcement of laws related to fire hazard reduction

Sponsor: Senator Chas Vincent

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE LOCAL GOVERNMENT COMMITTEE

Sponsor: Senator Chas Vincent

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

SENATE LOCAL GOVERNMENT COMMITTEE

SB 357 - Revise laws for appointment and election of a resigning county commissioner

Sponsor: Senator Bradley Hamlett

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Gary MacLaren, on March 24, 2011 at 3:35 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Gary MacLaren, Chair (R)
Rep. Michele Reinhart, Vice Chair (D)
Rep. Liz Bangerter (R)
Rep. Dick Barrett (D)
Rep. Bryce Bennett (D)
Rep. Tom Berry (R)
Rep. Edward Greef (R)
Rep. Pat Ingraham (R)
Rep. James Knox (R)
Rep. Steve Lavin (R)
Rep. Sue Malek (D)
Rep. Mary McNally (D)
Rep. Jerry O'Neil (R)
Rep. Matthew M. Rosendale Sr (R)
Rep. Derek Skees (R)
Rep. Gordon Vance (R)

Members Excused: Rep. Michael (Mike) More, Vice Chair (R), Rep. Kris Hansen (R),
Rep. Wayne Stahl (R), Rep. Kathy Swanson (D)

Members Absent: None

Staff Present: Helen Thigpen, Legislative Branch
Phoebe Williams, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary: Hearing and Date Posted: HB 629, 3/22/11 ; SB 340,
3/17/11 ; SB 298, 3/17/11 ; SB 283, 3/17/11

HEARING ON SB 283

Opening Statement by Sponsor:

00:02:27 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 283, Revise process for changing county boundaries.

EXHIBIT(loh66a01)

00:07:56 Rep. Moore joined meeting.

Proponents' Testimony:

00:12:57 Rep. John Esp

00:13:37 Harold Blattie, Montana Association of Counties (MACo)

00:15:51 Stuart Doggett, Montana Land Title Association

00:16:23 Nicki Sardot

Opponents' Testimony:

00:17:00 Joseph Hanser

EXHIBIT(loh66a02)

Informational Testimony: None

Questions from Committee Members and Responses:

00:17:38 Rep. Barrett

00:18:29 Sen. Essmann

00:19:15 Rep. Barrett

00:19:28 Rep. O'Neil

00:19:56 Sen. Essmann

00:21:13 Rep. Skees

00:21:28 Sen. Essmann

00:21:42 Rep. Reinhart

00:22:22 Harold Blattie

00:23:06 Rep. Reinhart

00:23:21 Rep. Esp

00:23:39 Rep. Reinhart

00:23:47 Rep. Esp

00:23:59 Sen. Reinhart

00:24:15 Sen. Essmann

00:25:17 Rep. Ingraham

00:26:02 Sen. Essmann

00:27:29 Rep. Ingraham

00:27:59 Sen. Essmann

00:28:24 Rep. Knox

00:28:47 Sen. Essmann

00:29:24 Rep. Knox

00:29:35 Sen. Essmann

00:30:30 Rep. Rosendale

00:30:50 Sen. Essmann
00:31:22 Rep. Malek
00:32:00 Sen. Essmann

Closing by Sponsor:

00:32:37 Sen. Essmann

HEARING ON SB 298

Opening Statement by Sponsor:

00:34:03 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 298, Revise land use laws regarding wildland urban interface.

Proponents' Testimony:

00:37:18 Dustin Stewart, Montana Building Industry Association
00:37:45 Rep. Stahl Joined Meeting
00:38:29 Glenn Oppel, Montana Association of Realtors
00:39:50 Greg Chilcott, Ravalli County Commissioner
00:40:14 Nicki Sardot
00:41:27 Joe Roberts, Montana Association of Registered Land Surveyors (MARLS)
00:42:23 Nicole Rolf, Montana Farm Bureau Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:36 Rep. Reinhart
00:44:36 Dustin Stewart
00:45:30 Rep. Reinhart
00:45:55 Dustin Stewart

Closing by Sponsor:

00:46:18 Sen. Vincent

HEARING ON SB 340

Opening Statement by Sponsor:

00:46:50 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 340, Clarifying the enforcement of laws related to fire hazard reduction.

EXHIBIT(loh66a03)

Proponents' Testimony:

00:51:09 Patrick Heffernan, Montana Wood Products Association
00:52:48 Jason Todhunter, Montana Logging Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:54:57 Rep. Knox
00:55:31 Jason Todhunter
00:56:31 Rep. Malek
00:57:01 Sen. Vincent
00:57:51 Rep. Malek
00:57:59 Sen. Vincent

Closing by Sponsor:

00:58:15 Sen. Vincent

HEARING ON HB 629

Opening Statement by Sponsor:

00:59:47 Rep. Austin Knudsen (R), HD 36, opened the hearing on HB 629, Revise subdivision law and rent or lease exemption.

[EXHIBIT\(loh66a04\)](#)

Proponents' Testimony:

01:06:07 Dustin Stewart, MBIA

[EXHIBIT\(loh66a05\)](#)

01:10:19 SuzAnne Miller

[EXHIBIT\(loh66a06\)](#)

01:11:33 Kathryn Cotnoir

01:12:43 Mike Hughes

01:15:33 Colleen Dowdall

[EXHIBIT\(loh66a07\)](#)

01:18:58 Kimberly Chambers

01:23:19 Jack Walsh, Helena Building Industry Association

01:25:39 Joe Roberts, MARLS

01:27:06 Ken Jenkins, MARLS

01:28:32 Byron Roberts

[EXHIBIT\(loh66a08\)](#)

01:32:31 Glenn Oppel, Montana Realtors Association

01:32:45 Tara Depuy, Land Use Attorney, MACo

01:34:11 Alec Hansen, League of Cities and Towns

Opponents' Testimony:

01:35:49 Linda Stahl, Montana Association of Planners

01:40:00 Harold Stepper, Jefferson County Planning Director

01:42:10 Gordon Morris, Lewis and Clark County

Informational Testimony: None

Questions from Committee Members and Responses:

01:43:43 Rep. Skees
01:44:21 Sen. Knudsen

HOUSE COMMITTEE ON LOCAL GOVERNMENT

March 24, 2011

PAGE 5 of 7

01:44:58	Rep. Knox
01:46:02	Dustin Stewart
01:48:05	Rep. McNally
01:48:48	Linda Stahl
01:51:27	Rep. McNally
01:52:03	Gordon Morris
01:52:52	Rep. Malek
01:53:37	Sen. Knudsen
01:53:50	Helen Thigpen
01:54:07	Dustin Stewart
01:54:56	Rep. Malek
01:55:41	Dustin Stewart
01:56:54	Rep. Malek
01:57:01	Dustin Stewart
01:57:33	Rep. Malek
01:57:49	Dustin Stewart
01:58:14	Rep. Malek
01:58:57	Helen Thigpen
01:59:22	Rep. Malek
02:00:04	Dustin Stewart
02:00:46	Rep. Malek
02:01:15	Dustin Stewart
02:01:29	Rep. McNally
02:02:04	Dustin Stewart
02:02:40	Rep. McNally
02:03:06	Dustin Stewart
02:03:58	Rep. Reinhart
02:04:53	Dustin Stewart
02:05:44	Rep. Reinhart
02:06:04	Dustin Stewart
02:06:39	Rep. Reinhart
02:06:57	Dustin Stewart
02:07:18	Rep. Reinhart
02:07:51	Dustin Stewart
02:08:22	Rep. Reinhart
02:08:40	Dustin Stewart
02:09:08	Rep. Reinhart
02:09:18	Dustin Stewart
02:09:54	Rep. Reinhart
02:10:09	Dustin Stewart
02:10:59	Rep. Reinhart
02:11:22	Dustin Stewart
02:11:38	Rep. Reinhart
02:11:57	Dustin Stewart
02:12:11	Rep. Reinhart
02:12:46	Linda Stahl
02:13:08	Rep. Reinhart
02:13:35	Linda Stahl
02:14:05	Rep. Skees

HOUSE COMMITTEE ON LOCAL GOVERNMENT

March 24, 2011

PAGE 6 of 7

02:14:32 Dustin Stewart
02:14:40 Rep. Skees
02:14:57 Dustin Stewart
02:15:13 Rep. Barrett
02:16:15 Dustin Stewart
02:17:13 Rep. Barrett
02:17:31 Suzanne Miller

Closing by Sponsor:

02:18:40 Rep. Knudsen

Committee Discussion:

02:20:49 Rep. MacLaren
02:22:07 Helen Thigpen
02:22:33 Rep. MacLaren

ADJOURNMENT

Adjournment: 02:23:06

Phoebe Williams, Secretary

pw

Additional Documents:

EXHIBIT([loh66aad.pdf](#))

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
62nd LEGISLATURE - REGULAR SESSION**

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Thursday, March 24, 2011

Place: Capitol

Time: 3:00 PM

Room: 172

BILLS and RESOLUTIONS HEARD:

HB 629 - Revise subdivision law and rent or lease exemption
SB 283 - Revise process for changing county boundaries
SB 298 - Revise land use laws regarding wildland urban interface
SB 340 - Clarifying the enforcement of laws related to fire hazard reduction

EXECUTIVE ACTION TAKEN:

Comments:



REP. Gary MacLaren, Chair

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE: 3-24-11

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. GARY MACLAREN, CHAIR	✓	
REP. MICHAEL MORE, VICE CHAIR		<i>Excused</i>
REP. MICHELE REINHART, VICE CHAIR	✓	
REP. LIZ BANGERTER	✓	
REP. DICK BARRETT	✓	
REP. BRYCE BENNETT	✓	
REP. TOM BERRY	✓	
REP. EDWARD GREEF	✓	
REP. KRISTIN HANSEN		<i>Excused</i>
REP. PAT INGRAHAM	✓	
REP. JAMES KNOX	✓	
REP. STEVE LAVIN	✓	
REP. SUE MALEK	✓	
REP. MARY MCNALLY	✓	
REP. JERRY O'NEIL	✓	
REP. MATTHEW ROSENDALE	✓	
REP. DEREK SKEES	✓	
REP. WAYNE STAHL		<i>Excused</i>
REP. KATHY SWANSON		<i>Excused</i>
REP. GORDON VANCE	✓	

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, March 24, 2011

HB 629 - Revise subdivision law and rent or lease exemption

Sponsor: Representative Austin Knudsen

PLEASE PRINT

Name	Representing	Support	Oppose
Suzanne Miller	Dunrovin Ranch	X	
Kate Cotnoir	Kate Cotnoir	X	
Glenn Ogden	MT Realtors	X	
Tara DePuy	MALCO	X	
Kym Chambers	Self	X	
Louella U Jaap	Self	X	
Leon Chambers	Self	X	
KEN JENKINS	SELF, MARLS	X	
Byron Roberts	Self	X	
Harold Stepper	Jefferson County		X
Gordon Morris	Lewis & Clark Co		X
Joe Roberts	MT Assoc Lnd Survey	X	
Colleen Dowdall	Steve Smith	X	
HAROLD BATTIE	MALCO	X	
DUSTIN STEWART	MALCO	X	
JIM	Self	X	
JACK WALSH	H B I A	X	
Alec Hansen	MLCT	X	
LINDA STALL	MALCO MCLA County		✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE LOCAL GOVERNMENT COMMITTEE

Sponsor: Senator Jeff Essmann

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Thursday, March 24, 2011

SB 298 - Revise land use laws regarding wildland urban interface

Sponsor: Senator Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose
Niki SARDOT	All MONTANA LANDOWNERS	✓	
Glenn Oppel	MT Realtors	✓	
Nicole Rolf	MT Farm Bureau Fed	✓	
Dustin Stewart	MTBTA	✓	
Joe Roberts	MARLS	✓	
GREG CHILCOTT	RAVALLI COUNTY MACO	✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE**

Thursday, March 24, 2011

SB 340 - Clarifying the enforcement of laws related to fire hazard reduction

Sponsor: Senator Chas Vincent

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Gary MacLaren, on March 29, 2011 at 3:00 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Gary MacLaren, Chair (R)
Rep. Michael (Mike) More, Vice Chair (R)
Rep. Michele Reinhart, Vice Chair (D)
Rep. Liz Bangerter (R)
Rep. Dick Barrett (D)
Rep. Bryce Bennett (D)
Rep. Tom Berry (R)
Rep. Edward Greef (R)
Rep. Kris Hansen (R)
Rep. Pat Ingraham (R)
Rep. James Knox (R)
Rep. Steve Lavin (R)
Rep. Sue Malek (D)
Rep. Mary McNally (D)
Rep. Jerry O'Neil (R)
Rep. Matthew M. Rosendale Sr (R)
Rep. Derek Skees (R)
Rep. Wayne Stahl (R)
Rep. Kathy Swanson (D)
Rep. Gordon Vance (R)

Members Excused: None

Members Absent: None

Staff Present: Helen Thigpen, Legislative Branch
Phoebe Williams, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 357, 3/24/2011; SB 359, 3/24/2011
Executive Action: SB 234, SB 298, SB 340, and SB 357

HEARING ON SB 357

Opening Statement by Sponsor:

00:01:35 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 357, Revise laws for appointment and election of a resigning county commissioner.

Proponents' Testimony:

00:03:54 Sheryl Wood, Montana Association of Counties (MACo)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:05:05 Sen. Hamlett

HEARING ON SB 379

Opening Statement by Sponsor:

00:05:46 Sen. Alan Olson (R), SD 23, opened the hearing on SB 379, Generally revise county zoning laws.

Proponents' Testimony:

00:08:01 Mark Baker, Plumb Creek Timber Company

[EXHIBIT\(loh70a01\)](#)

[EXHIBIT\(loh70a02\)](#)

00:18:23 Dustin Stewart, Montana Building Industry Association

00:19:16 John Youngberg, Montana Farm Bureau Federation

00:20:39 Jerry Rice, Gallatin County

00:21:19 Scott Olson, Helena Sand and Gravel

00:23:00 Steve Wade, Montana Contractors Association

00:23:50 Chuck Denowh, United Property Owners Association

00:24:17 Bill VanCanagan, Plumb Creek Timber Co

Opponents' Testimony:

00:24:54 Linda Stoll, Montana Association of Planners, Missoula County

00:31:31 Dick Thweatt, Montana Smart Growth Association

[EXHIBIT\(loh70a03\)](#)

00:36:22 Jean Riley Eastgate Water and Sewer Board

00:38:21 Ann Hedges, Montana Environmental Information Center

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:30 Rep. Moore

00:46:29 Dick Thweatt

00:46:41 Rep. Hansen
00:47:00 Mark Baker
00:47:49 Rep. Hansen
00:47:58 Mark Baker
00:48:30 Rep. Hansen
00:48:43 Mark Baker
00:48:47 Rep. Reinhart
00:49:11 Dick Thweatt
00:49:19 Rep. Reinhart
00:49:39 Rep. Reinhart
00:50:04 John Youngberg
00:50:26 Rep. Reinhart
00:50:49 Scott Olson
00:51:09 Rep. Reinhart
00:51:17 Scott Olson
00:51:30 Rep. Malek
00:52:04 Linda Stoll
00:52:44 Rep. Malek
00:52:52 Linda Stoll
00:54:29 Rep. Malek
00:54:52 Rep. MacLaren

Closing by Sponsor:

00:55:19 Sen. Olson

00:56:27 Recess
00:56:29 Reconvene

EXECUTIVE ACTION ON SB 298

00:56:30 Rep. MacLaren
00:57:38 Helen Thigpen

00:58:34 **Motion:** Rep. More moved that **SB 298 BE CONCURRED IN.**

Discussion:

00:58:40 Rep Reinhart

00:59:28 **Vote:** Motion carried unanimously by voice vote. Rep. Malek and Rep. Vance voted by proxy. Rep. Knox will carry the bill.

EXECUTIVE ACTION ON SB 340

0:59:57 Helen Thigpen

01:00:49 **Motion:** Rep. More moved that **SB 340 BE CONCURRED IN.**

01:01:00 **Motion:** Rep. Ingraham moved that **SB 340 BE AMENDED.**
[EXHIBIT\(loh70a04\)](#)

Discussion:

01:01:11 Helen Thigpen

01:01:38 **Vote:** Motion carried unanimously by voice vote. Rep. Malek and Rep. Vance voted by proxy.

01:01:56 **Motion/Vote:** Rep. More moved that **SB 340 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Malek and Rep. Vance voted by proxy. Rep. Knox will carry the bill.

EXECUTIVE ACTION ON SB 357

01:02:37 **Motion:** Rep. More moved that **SB 357 BE CONCURRED IN.**

Discussion:

01:02:50 Rep. Knox

01:03:17 Rep. Swanson

01:03:40 Helen Thigpen

01:03:53 Rep. Swanson

01:03:58 Rep. MacLaren

01:04:06 Rep. Moore

01:04:35 **Vote:** Motion carried unanimously by voice vote. Rep. Malek and Rep. Vance voted by proxy. Rep. Ingraham will carry the bill.

EXECUTIVE ACTION ON SB 234

01:05:12 Helen Thigpen

01:06:41 **Motion:** Rep. More moved that **SB 234 BE CONCURRED IN.**

01:06:47 **Motion:** Rep. More moved that **SB 234 BE AMENDED.**
[EXHIBIT\(loh70a05\)](#)

Discussion:

01:07:04 Helen Thigpen

01:07:18 Rep. Knox

01:07:37 Rep. Reinhart

01:07:44 Rep. Rosendale

01:07:52 Rep. Hansen

01:08:07 Helen Thigpen

01:09:28 Rep. Skees

01:09:40 Helen Thigpen

01:09:47 Rep. Stahl

01:09:50 Heln Thigpen

01:10:00 Rep. MacNally
 01:10:26 Helen Thigpen
 01:10:39 Rep. Stahl
 01:10:46 Helen Thigpen
 01:11:05 Rep. Stahl
 01:12:43 Rep. Hansen
 01:14:27 Rep. Berry
 01:15:15 Helen Thigpen
 01:15:34 Rep. Skees
 01:16:17 Rep. MacLaren
 01:16:24 Alec Hansen
 01:18:02 Rep. Knox
 01:18:17 Alec Hansen
 01:18:56 Rep. Skees
 01:19:09 Alec Hansen
 01:20:10 Rep. Hansen
 01:21:00 Rep. MacLaren
 01:21:19 Gary Spaeth
 01:22:23 Rep. Reinhart
 01:22:49 Alec Hansen
 01:23:12 Rep. Knox

01:23:30 **Motion:** Rep. Knox moved that **NUMBER 7 OF THE AMENDMENT BE SEGREGATED AND VOTED ON SEPARATELY.**

Discussion:

01:23:52 Rep. O'Neil
 01:24:04 Rep. MacLaren
 01:24:17 Rep. Knox

01:24:30 **Vote:** Motion failed 4-14 by voice vote of those present and voting with Rep. Knox, Rep. Lavin, Rep. O'Neil and Rep. Stahl voting aye.

01:24:50 Rep. Stahl
 01:25:16 Rep. MacLaren
 01:26:10 Rep. Berry

01:26:21 **Vote:** Motion carried 19-1 by roll call vote with Rep. Stahl voting no. Rep. Malek and Rep. Vance voted by proxy.

01:27:32 **Motion:** Rep. More moved that **SB 234 BE CONCURRED IN AS AMENDED.**

Discussion:

01:27:42 Rep. Hansen
 01:28:03 Rep. Reinhart
 01:28:42 Rep. MacLaren

01:28:49 **Vote:** Motion carried 18-2 by voice vote with Rep. Reinhart and Rep. Stahl voting no. Rep. Malek and Rep. Vance voted by proxy. Rep. Hansen will carry the bill.

ADJOURNMENT

Adjournment: 01:29:49

Phoebe Williams, Secretary

pw

Additional Documents:

EXHIBIT([loh70aad.pdf](#))

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Tuesday, March 29, 2011

Place: Capitol

Time: 3:00 PM

Room: 172

BILLS and RESOLUTIONS HEARD:

SB 357 - Revise laws for appointment and election of a resigning county commissioner

SB 379 - Generally revise county zoning laws

EXECUTIVE ACTION TAKEN:

SB 234

SB 298

SB 340

SB 357

Comments:



REP. Gary MacLaren, Chair

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE: 3-29-11

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. GARY MACLAREN, CHAIR	✓	
REP. MICHAEL MORE, VICE CHAIR	✓	
REP. MICHELE REINHART, VICE CHAIR	✓	
REP. LIZ BANGERTER	✓	
REP. DICK BARRETT	✓	
REP. BRYCE BENNETT	✓	
REP. TOM BERRY	✓	
REP. EDWARD GREEF	✓	
REP. KRISTIN HANSEN	✓	
REP. PAT INGRAHAM	✓	
REP. JAMES KNOX	✓	
REP. STEVE LAVIN	✓	
REP. SUE MALEK	✓	
REP. MARY MCNALLY	✓	
REP. JERRY O'NEIL	✓	
REP. MATTHEW ROSENDALE	✓	
REP. DEREK SKEES	✓	
REP. WAYNE STAHL	✓	
REP. KATHY SWANSON	✓	
REP. GORDON VANCE	✓	



HOUSE STANDING COMMITTEE REPORT

March 29, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 298** (third reading copy -- blue) **be concurred in.**

Signed: _____

Representative Gary MacLaren, Chair

To be carried by Representative James Knox

- END -

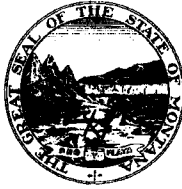
Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

SB0298001SC08082.hgh

11/3/10
16.15



HOUSE STANDING COMMITTEE REPORT

March 29, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 340** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Representative Gary MacLaren, Chair

To be carried by Representative James Knox

And, that such amendments read:

1. Page 1, line 13.

Strike: "The"

Insert: "Subject to the provisions of Title 76, chapter 13, part 1, the"

2. Page 1, line 14.

Following: "which"

Insert: ", subject to 76-13-121,"

3. Page 1, line 22.

Following: "CONDUCTED"

Insert: ", subject to 76-13-121,"

Strike: "MAY 1"

Insert: "April 30"

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

SB0340001SC08082.hgh

3/29
9:15



HOUSE STANDING COMMITTEE REPORT

March 29, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 357** (third reading copy -- blue) **be concurred in.**

Signed: _____

Representative Gary MacLaren, Chair

To be carried by Representative Pat Ingraham

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

SB0357001SC05143.hgh

3/30
H. J.



HOUSE STANDING COMMITTEE REPORT

March 29, 2011

Page 1 of 2

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 234** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

To be carried by Representative Kris Hansen

And, that such amendments read:

1. Title, page 1, line 5 through line 6.

Strike: "WHEN" on line 5 through "SERVICE" on line 6

2. Page 1, line 13 and 14.

Strike: "(1)"

Following: "area"

Strike: "receiving" on line 13 through "from" on line 14

Insert: "within the service area of"

3. Page 1, line 15.

Strike: "competitive or similar"

Following: "service"

Insert: "or impose charges or assessments for services not provided"

4. Page 1, line 29 and 30.

Strike: "FOR 5 YEARS FOLLOWING ANNEXATION OR INCORPORATION"

5. Page 2, line 2 through line 7.

Strike: subsections (2) and (3) in their entirety

6. Page 2, line 12.

Following: "~~elect to~~"

Insert: "elect to"

Committee Vote:

Yes 18, No 2

Fiscal Note Required ☐

SB0234001SC08077.hgh

*13/30
Hail*

7. Page 2, line 14 through line 16.

Strike: " , including " on page 2, line 14 through "69-12-314" on
page 2, line 16

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 3-29-11 BILL NO SB 234 MOTION NO. 3

MOTION: _____

Amendment to SB 234

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT	✓		
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN	✓		
REP. PAT INGRAHAM	✓		
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		
REP. SUE MALEK	✓		✓
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL		✓	
REP. KATHY SWANSON	✓		
REP. GORDON VANCE	✓		✓

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Local Government

Committee because of other commitments. I desire to leave my proxy vote with:

Michelle Reinhart

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 298	X				
SB 340 AMD	X				
SB 340	X				
SB 283	X				
SB 234 AMD	X				
SB 234	X				

Rep. Sue Malek
(Signature)

Date 3/29/2011

SUE MALEK

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Local Gov't

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Michael Morse

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

SB - 298	X	
SB - 340	X	
SB034002.ate	X	
SB - 357	X	
SB - 234	X	
SB023402.ahf	X	

Rep. _____

(Signature)
Gordy Vance

Date _____

MONTANA House of Representatives
Visitors Register
HOUSE LOCAL GOVERNMENT COMMITTEE

Tuesday, March 29, 2011

SB 379 - Generally revise county zoning laws

Sponsor: Senator Alan Olson

PLEASE PRINT

Name	Representing	Support	Oppose
MARK BAKER	Plum Creek	✓	
LINDA STALL	MT Assn of Planners/Missoula County		✓
John Youngberg	MEBE	✓	
Scott Olson	Helena Sand & Gravel	✓	
Jean Riley	Private Citizen		✓
Bill VanLanagen	Plum Creek/MAR	✓	
Steve Wade	MT Contractors Assn	✓	
Sarah Cobler	MLV		✓
Chuck Dewh	UPOM	X	
Dick Thweatt	MT Summit Growth Coalition		✓
Dustin Stewart	MBIA	X	
Anne Hedges	MEIC		X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

Tuesday, March 29, 2011

SB 357 - Revise laws for appointment and election of a resigning county commissioner

Sponsor: Senator Bradley Hamlett

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.